



U.S. Department  
of Transportation

Federal Motor Carrier  
Safety Administration

1200 New Jersey Ave, S.E.  
Washington, D.C. 20590

February 17, 2026

Via Electronic Mail and UPS

The Honorable JB Pritzker  
Governor of Illinois  
207 Statehouse  
Springfield, IL 62706

Mr. Kevin Duesterhaus  
Director of Driver Services  
Office of the Illinois Secretary of State  
213 State Capital  
Springfield, IL 62756

Dear Governor Pritzker and Mr. Duesterhaus:

The U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA or Agency) is required by statute to ensure that all States comply with the commercial driver's license (CDL) regulations.<sup>1</sup> In August 2025, FMCSA initiated an Annual Program Review (APR) of the Secretary of State's (SOS) CDL program in accordance with 49 U.S.C. § 31311 and 49 CFR § 384.307. During the 2025 APR, FMCSA obtained evidence of policy and procedural errors in Illinois's issuance of non-domiciled commercial learner's permits (CLPs) and CDLs—that is, CLPs and CDLs issued to drivers who are not domiciled within Illinois. In this regard, FMCSA found that SOS issued non-domiciled CDLs that extend beyond the expiration of drivers' lawful presence in the United States and issued non-domiciled CDLs without providing evidence that it verified the driver's lawful presence in the United States under the standards set forth in 49 CFR Part 383. Therefore, in accordance with 49 CFR § 384.307(b), this letter constitutes FMCSA's preliminary determination that Illinois has failed to meet the requirement for substantial compliance with the standards for issuing non-domiciled CLPs and CDLs. Illinois must take immediate corrective action, as set forth in section IV below, to address the deficiencies identified in this letter. The State's failure to do so may result in FMCSA initiating the withholding of certain Federal-aid highway funds and decertifying the State's CDL program.

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<sup>1</sup> 49 U.S.C. § 31311; *see also* 49 CFR Part 384, Subparts B and C.

## I. Background

The Commercial Motor Vehicle Safety Act of 1986,<sup>2</sup> as amended, established performance standards with which State CDL programs must comply to avoid having amounts withheld from Highway Trust Fund apportionment under 49 U.S.C. § 31314 and to avoid CDL program decertification under 49 U.S.C. § 31312.<sup>3</sup> In this regard, States are required to be in substantial compliance with the requirements of 49 U.S.C. § 31311(a) and its implementing regulations in 49 CFR Part 383 and Part 384, Subpart B. Under 49 CFR § 384.301(a), to be in substantial compliance with 49 U.S.C. § 31311(a), a State must meet each and every standard of Part 384, Subpart B by means of “the demonstrable combined effect of its statutes, regulations, administrative procedures and practices, organizational structures, internal control mechanisms, resource assignments (facilities, equipment, and personnel), and enforcement practices.”

As part of its oversight, FMCSA conducts comprehensive APRs of State CDL programs, in accordance with 49 CFR § 384.307, to verify that States are in substantial compliance. During an APR, FMCSA evaluates all aspects of the State’s CDL program, including knowledge and skills testing procedures, CDL issuance processes, procedures to report convictions and withdrawals, compliance with FMCSA’s physical qualification and Drug and Alcohol Clearinghouse programs, issuance of non-domiciled CDLs, and other areas.

At the conclusion of the APR, if FMCSA makes a preliminary determination that a State does not meet one or more of the minimum standards for substantial compliance under Part 384, Subpart B, FMCSA will notify the State accordingly.<sup>4</sup> As explained more fully in section V below, the State will have 30 calendar days to respond to the preliminary determination explaining the State’s corrective action or, alternatively, why FMCSA’s preliminary determination is incorrect.<sup>5</sup> If FMCSA makes a final determination of substantial noncompliance, FMCSA may initiate the withholding of certain Federal-aid highway funds and may decertify the State’s CDL program.<sup>6</sup>

As part of the 2025 comprehensive APRs, FMCSA conducted an in-depth review of State procedures and policies in issuing non-domiciled CLPs and CDLs. FMCSA’s focus on State non-domiciled CDL issuance practices during the 2025 APR was consistent with Executive Order 14286, “Enforcing Commonsense Rules of the Road for America’s Truck Drivers.”<sup>7</sup> The Executive Order directed FMCSA to “review non-domiciled [ ] CDLs issued by relevant State agencies to identify any unusual patterns or numbers or other irregularities” and “to take appropriate actions to improve the effectiveness of current protocols....”<sup>8</sup> Accordingly, FMCSA

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<sup>2</sup> 49 U.S.C. § 31301 *et seq.*

<sup>3</sup> 49 U.S.C. § 31311(a).

<sup>4</sup> 49 CFR § 384.307(b). A preliminary determination of noncompliance is also known as a “finding.”

<sup>5</sup> *Id.* at § 384.307(c).

<sup>6</sup> 49 U.S.C. §§ 31314(c), 31312; *see also infra* at section VI; 49 CFR § 384.307(d), 49 CFR Part 384, Subpart D.

<sup>7</sup> 90 Fed. Reg. 18759 (Apr. 28, 2025).

<sup>8</sup> Executive Order 14286 at 2; 90 Fed. Reg. at 18759–60.

conducted a thorough audit of SOS's procedures and policies in issuing non-domiciled CLPs and CDLs as part of the 2025 APR.

## II. Statutory and Regulatory Requirements for Issuing Non-Domiciled CLPs and CDLs

Under 49 U.S.C. § 31311(a)(12)(B)(ii), States are authorized to issue non-domiciled CDLs, but they must do so in accordance with regulations prescribed by FMCSA. The Agency's regulations in effect at the time of the 2025 APR<sup>9</sup> provided that States that issue non-domiciled CLPs and CDLs may only accept as valid proof of lawful presence (i) an unexpired employment authorization document (EAD) issued by the United States Customs and Immigration Service (USCIS) or (ii) an unexpired foreign passport accompanied by an approved I-94 form documenting the driver's most recent admittance into the United States.<sup>10</sup> In addition, State procedures for issuing, renewing, or upgrading a non-domiciled CLP and CDL must, at a minimum, be identical to those pertaining to any other CLP or CDL.<sup>11</sup>

Regulations in effect prior to September 29, 2025, required that States accept as valid only *unexpired* lawful presence documents, which also meant that the State must make the period of validity of the non-domiciled CLP or CDL less than or equal to the period of validity of the driver's lawful presence document(s). In other words, because FMCSA's regulations considered only unexpired lawful presence documents to be valid, SOS was required to ensure that the non-domiciled CLP or CDL period of validity *did not exceed* the expiration of the driver's lawful presence documents. Therefore, State driver's licensing agencies were required to ensure that the validity of non-domiciled CLPs or CDLs did not exceed the expiration date of drivers' lawful presence documents.

With one exception, States may not issue a non-domiciled CLP or CDL to citizens of Mexico or Canada. In this regard, FMCSA has determined that the Canadian Provinces and Territories issue CDLs in accordance with standards that are consistent with 49 CFR Part 383.<sup>12</sup> Citizens of Canada are authorized to operate a commercial motor vehicle in the United States with a Canadian CDL and, therefore, are prohibited from obtaining a non-domiciled CDL. Similarly, FMCSA has determined that the United Mexican States issues Licencias Federales de Conductor

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<sup>9</sup> On September 29, 2025, FMCSA issued an interim final rule (IFR) amending Federal regulations in 49 CFR Parts 383 and 384 applicable to State Driver's Licensing Agencies' (SDLAs) issuance of non-domiciled CLPs and CDLs. *See Restoring Integrity to the Issuance of Non-Domiciled Commercial Drivers Licenses*, 90 Fed. Reg. 46509 (Sept. 29, 2025). On November 13, 2025, the U.S. Court of Appeals for the District of Columbia Circuit issued an Order in *Lujan v. FMCSA*, Case No. 25-1215, staying the effective date of the IFR pending court review. On February 13, 2026, FMCSA published a final rule reaffirming, with minor changes, the provisions of the IFR. *See Restoring Integrity to the Issuance of Non-Domiciled Commercial Drivers Licenses*, 91 Fed. Reg. 7044 (Feb. 13, 2026). The final rule is effective on March 16, 2026. Because the transactions at issue occurred prior to publication of the IFR and the final rule, the regulations cited in this preliminary determination of noncompliance reflect the pre-IFR text of Parts 383 and 384, specifically the 2024 edition of Title 49 of the Code of Federal Regulations, which remains in effect until March 16, 2026.

<sup>10</sup> 49 CFR §§ 383.71(f)(2)(i), 383.73(f)(3), 384.201, 384.212.

<sup>11</sup> *Id.* at § 383.73(f)(2).

<sup>12</sup> The Canadian Provinces and Territories issue CDLs in conformity with the Canadian National Safety Code. Since December 29, 1988, FMCSA has determined that the Canadian National Safety Code is in accordance with the standards set forth in 49 CFR Part 383. *See* 49 CFR §§ 383.23, fn. 1; 383.71(f)(1)(i); and 383.73(f)(1).

(Mexican CDLs) in accordance with standards that are consistent with 49 CFR Part 383.<sup>13</sup> Citizens of Mexico are authorized to operate a commercial motor vehicle in the United States with a Mexican CDL and, therefore, are prohibited from obtaining a non-domiciled CDL. FMCSA issued guidance stating that citizens of Mexico who are present in the United States under the Deferred Action for Childhood Arrivals (DACA) program are excepted from the prohibition.<sup>14</sup> Until the rescission of this guidance becomes effective on March 16, 2026, States are permitted to issue a non-domiciled CLP or CDL to citizens of Mexico or Canada *only* if they are present in the United States under the DACA program. FMCSA has not identified any other exceptions to this general prohibition.

### III. 2025 Annual Program Review

FMCSA initiated Illinois's 2025 APR in August 2025 in accordance with 49 U.S.C. § 31311 and 49 CFR § 384.307. During the 2025 APR, SOS informed FMCSA that its records reflect that Illinois has issued 10,088 non-domiciled CLPs or CDLs that remain unexpired. During the 2025 APR, FMCSA sampled 150 records of drivers that SOS issued a non-domiciled CDL. FMCSA found that 29 of the driver records sampled failed to comply with requirements in 49 CFR Parts 383 and 384.<sup>15</sup>

The 2025 APR uncovered evidence of systemic policy, procedural, and programming errors. As explained in greater detail in section III(a) below, of the driver records sampled, FMCSA found 14 transactions where SOS issued a non-domiciled CDL that exceeded the expiration date of the driver's lawful presence documents. In addition, as set forth in section III(b) below, FMCSA found 15 transactions where SOS issued non-domiciled CLPs or CDLs but could not provide any evidence that it verified the drivers' lawful presence with an unexpired EAD or unexpired foreign passport and Form I-94 documenting the driver's most recent admittance into the United States prior to issuance, as required under 49 CFR §§ 383.71(f)(2)(i) and 383.73(f)(3).

During the 2025 APR, SOS was unable to provide evidence of sufficient management controls to prevent these errors or catch them if they occur. Further, SOS has not programmed its systems with sufficient measures to prevent errors from occurring. The errors discovered during the 2025 APR indicate a breakdown in SOS's issuance process for non-domiciled CLPs and CDLs. The transactions illustrating these compliance issues are discussed in greater detail below. FMCSA will provide electronic documentation for each through the State Compliance Records Enterprise (SCORE) system.

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<sup>13</sup> *See id.*

<sup>14</sup> *See* <https://www.fmcsa.dot.gov/registration/commercial-drivers-license/may-state-drivers-licensing-agency-sdla-issue-non-domiciled>. This guidance was rescinded as part of the February 13, 2026 final rule, effective March 16, 2026 (91 FR 7044, 7055).

<sup>15</sup> FMCSA found an additional 28 transactions where SOS did not retain a copy of the driver's EAD or note the expiration date of the driver's EAD in SOS's system. Therefore, it is unclear if the EAD was unexpired at the time the transaction occurred or if the non-domiciled CDL's expiration date exceeded the EAD's expiration date. FMCSA did not cite these transactions because, without the EAD expiration dates, FMCSA cannot discern if the transactions were compliant or noncompliant, and there was no regulatory requirement for SOS to retain a copy of the EAD or note the EAD's expiration date in SOS's system at the time the transactions occurred. Nonetheless, FMCSA is concerned that SOS failed to retain any specific information about the driver's EAD for these 28 transactions.

**a. Finding: 49 CFR § 384.212—SOS Issued Non-Domiciled CLPs or CDLs With an Expiration Date That Exceeded the Expiration of the Driver’s Lawful Presence Documents.**

During the 2025 APR, FMCSA discovered that 14 of the driver records sampled showed that SOS issued a non-domiciled CDL for a period of validity that exceeded the driver’s lawful presence document(s). The transactions are described below.

1. On April 23, 2025, SOS issued a non-domiciled CDL with an expiration date of October 22, 2026, to a driver with the initials “VVR” who is a citizen of India. At the time the transaction occurred, VVR’s EAD credential showed an expiration date of April 30, 2025. The driver also presented a Form I-797C stating that USCIS received an application for an EAD, which SOS should not have relied upon in calculating the license expiration date. However, SOS issued a non-domiciled CDL with an expiration date of October 22, 2026, more than *one year* after the EAD’s expiration date.
2. On March 8, 2025, SOS issued a non-domiciled CDL with an expiration date of October 19, 2026, to a driver with the initials “AB” who is a citizen of Ukraine. At the time the transaction occurred, AB’s EAD credential showed an expiration date of April 19, 2025. The driver also presented a Form I-797C stating that USCIS received an application for an EAD, which SOS should not have relied upon in calculating the license expiration date. However, SOS issued a non-domiciled CDL with an expiration date of October 19, 2026, more than *one year* after the EAD’s expiration date.
3. On August 11, 2025, SOS issued a non-domiciled CDL with an expiration date of May 5, 2030, to a driver with the initials “ZAB” who is a citizen of Eritrea. At the time the transaction occurred, ZAB’s EAD credential showed an expiration date of August 13, 2025. However, SOS issued a non-domiciled CDL with an expiration date of May 5, 2030, more than *four years* after the after the EAD’s expiration date. Though ZAB also presented a Form I-94 showing he had been granted indefinite asylum status, SOS did not provide any evidence that it calculated the non-domiciled CDL’s expiration date on an unexpired foreign passport and the I-94.
4. On July 18, 2025, SOS issued a non-domiciled CDL with an expiration date of January 10, 2027, to a driver with the initials “FCN” who is a citizen of Venezuela. At the time the transaction occurred, FCN’s EAD credential showed an expiration date of July 19, 2025. The driver also presented a Form I-797C stating that USCIS received an application for an EAD, which SOS should not have relied upon in calculating the license expiration date. However, SOS issued a non-domiciled CDL with an expiration date of January 10, 2027, more than *one year* after the EAD’s expiration date.
5. On July 17, 2024, SOS issued a non-domiciled CDL with an expiration date of January 26, 2026, to a driver with the initials “KK” who is a citizen of Russia. At the time the transaction occurred, KK’s EAD credential showed an expiration date of August 4, 2024. The driver also presented a Form I-797C stating that USCIS received an application for an EAD, which SOS should not have relied upon in calculating the license

expiration date. However, SOS issued a non-domiciled CDL with an expiration date of January 26, 2026, more than *one year* after the EAD's expiration date.

6. On May 23, 2024, SOS issued a non-domiciled CDL with an expiration date of November 14, 2025, to a driver with the initials "KM" who is a citizen of Ukraine. At the time the transaction occurred, KM's EAD credential showed an expiration date of May 23, 2024. However, SOS issued a non-domiciled CDL with an expiration date of November 14, 2025, more than *one year* after the EAD's expiration date.
7. On April 4, 2025, SOS issued a non-domiciled CDL with an expiration date of October 11, 2026, to a driver with the initials "RN" who is a citizen of Ukraine. At the time the transaction occurred, RN's EAD credential showed an expiration date of April 19, 2025. The driver also presented receipts showing USCIS received an application for an EAD as well as an application for temporary protected status, which SOS should not have relied upon in calculating the license expiration date. However, SOS issued a non-domiciled CDL with an expiration date of October 11, 2026, more than *one year* after the EAD's expiration date.
8. On July 1, 2025, SOS issued a non-domiciled CDL with an expiration date of January 16, 2027, to a driver with the initials "AN" who is a citizen of Kyrgyzstan. At the time the transaction occurred, AN's EAD credential showed an expiration date of July 25, 2025. The driver also presented a Form I-797C stating that USCIS received an application for an EAD, which SOS should not have relied upon in calculating the license expiration date. However, SOS issued a non-domiciled CDL with an expiration date of January 16, 2027, more than *one year* after the EAD's expiration date.
9. On March 26, 2025, SOS issued a non-domiciled CDL with an expiration date of November 27, 2026, to a driver with the initials "UO" whose citizenship is unknown. At the time the transaction occurred, UO's EAD credential showed an expiration date of June 5, 2025. However, SOS issued a non-domiciled CDL with an expiration date of November 27, 2026, more than *one year* after the EAD's expiration date.
10. On April 15, 2025, SOS issued a non-domiciled CDL with an expiration date of November 5, 2026, to a driver with the initials "AO" who is a citizen of Russia. At the time the transaction occurred, AO's EAD credential showed an expiration date of May 14, 2025. However, SOS issued a non-domiciled CDL with an expiration date of November 5, 2026, more than *one year* after the EAD's expiration date.
11. On April 1, 2025, SOS issued a non-domiciled CDL with an expiration date of October 19, 2026, to a driver with the initials "HS" who is a citizen of Ukraine. At the time the transaction occurred, HS's EAD credential showed an expiration date of April 19, 2025. The driver also presented a Form I-797C stating that USCIS received an application for an EAD, which SOS should not have relied upon in calculating the license expiration date. However, SOS issued a non-domiciled CDL with an expiration date of October 19, 2026, more than *one year* after the EAD's expiration date.

12. On August 20, 2025, SOS issued a non-domiciled CDL with an expiration date of February 11, 2027, to a driver with the initials “AUU” who is a citizen of Kyrgyzstan. At the time the transaction occurred, AUU’s EAD credential showed an expiration date of August 20, 2025. However, SOS issued a non-domiciled CDL with an expiration date of February 11, 2027, more than *one year* after the EAD’s expiration date.
13. On September 11, 2024, SOS issued a non-domiciled CDL with an expiration date of October 8, 2028, to a driver with the initials “VV” who is a citizen of Russia. At the time the transaction occurred, VV’s EAD credential showed an expiration date of October 6, 2028. However, SOS issued a non-domiciled CDL with an expiration date of October 8, 2028, *two days* after the EAD’s expiration date.
14. On December 26, 2024, SOS issued a non-domiciled CDL with an expiration date of January 23, 2029, to a driver with the initials “AA” who is a citizen of Russia. At the time the transaction occurred, AA’s EAD credential showed an expiration date of January 22, 2029. However, SOS issued a non-domiciled CDL with an expiration date of January 23, 2029, *one day* after the EAD’s expiration date.

**b. Finding: 49 CFR § 384.212—SOS Issued Non-Domiciled CLPs or CDLs Without Providing Evidence of Lawful Presence Verification Under the Standards of 49 CFR Part 383.**

During the 2025 APR, FMCSA discovered that 15 of the driver records sampled showed that SOS issued a non-domiciled CDL or CLP to a driver without providing evidence that, at the time the transaction occurred, it verified the drivers’ lawful presence with an unexpired EAD or unexpired foreign passport and approved Form I-94 documenting the drivers’ most recent admittance into the United States. These transactions are described below.

1. On February 26, 2025, SOS issued a non-domiciled CDL with an expiration date of September 9, 2026, to a driver with the initials “MLC” who is a citizen of El Salvador. At the time the transaction occurred, MLC presented an expired EAD credential with an expiration date of September 9, 2019. MLC also presented an approved I-94 with an expiration date of March 9, 2025. SOS did not provide any evidence that MLC presented either an unexpired foreign passport to accompany the I-94 or an unexpired EAD, as required under 49 CFR § 383.71(f). Regardless, SOS issued a non-domiciled CDL with an expiration date of September 9, 2026.
2. On May 7, 2025, SOS issued a non-domiciled CDL with an expiration date of October 25, 2026, to a driver with the initials “SK” who is a citizen of Kyrgyzstan. At the time the transaction occurred, SK presented an expired EAD credential with an expiration date of May 3, 2025. The driver also presented a Form I-797C stating that USCIS received an application for an EAD, which SOS should not have relied upon in calculating the license expiration date. SOS did not provide any evidence that SK presented either an unexpired EAD or an unexpired foreign passport accompanied by an approved Form I-94, as required under 49 CFR § 383.71(f). Regardless, SOS issued a non-domiciled CDL with an expiration date of October 25, 2026.

3. On November 6, 2024, SOS issued a non-domiciled CDL with an expiration date of February 13, 2029, to a driver with the initials “DM” who is a citizen of Kyrgyzstan. At the time the transaction occurred, DM presented an expired EAD credential with an expiration date of June 28, 2023. The driver also presented a Form I-797C stating that USCIS received an application for an EAD, which SOS should not have relied upon in calculating the license expiration date. SOS did not provide any evidence that DM presented either an unexpired EAD or an unexpired foreign passport accompanied by an approved Form I-94, as required under 49 CFR § 383.71(f). Regardless, SOS issued a non-domiciled CDL with an expiration date of February 13, 2029.
4. On September 4, 2025, SOS issued a non-domiciled CDL with an expiration date of November 21, 2026, to a driver with the initials “SCN” who is a citizen of Nigeria. At the time the transaction occurred, SCN presented an expired EAD credential with an expiration date of May 30, 2025. The driver also presented a Form I-797C stating that USCIS received an application for an EAD, which SOS should not have relied upon in calculating the license expiration date. SOS did not provide any evidence that SCN presented either an unexpired EAD or an unexpired foreign passport accompanied by an approved Form I-94, as required under 49 CFR § 383.71(f). Regardless, SOS issued a non-domiciled CDL with an expiration date of November 21, 2026.
5. On August 22, 2025, SOS issued a non-domiciled CDL with an expiration date of December 30, 2026, to a driver with the initials “MP” who is a citizen of Moldova. At the time the transaction occurred, MP presented an expired EAD credential with an expiration date of August 7, 2025. The driver also presented a Form I-797C stating that USCIS received an application for an EAD, which SOS should not have relied upon in calculating the license expiration date. SOS did not provide any evidence that MP presented either an unexpired EAD or an unexpired foreign passport accompanied by an approved Form I-94, as required under 49 CFR § 383.71(f). Regardless, SOS issued a non-domiciled CDL with an expiration date of December 30, 2026.
6. On April 22, 2025, SOS issued a non-domiciled CDL with an expiration date of October 11, 2026, to a driver with the initials “LS” who is a citizen of Ukraine. At the time the transaction occurred, LS presented an expired EAD credential with an expiration date of April 19, 2025. SOS did not provide any evidence that LS presented either an unexpired EAD or an unexpired foreign passport accompanied by an approved Form I-94, as required under 49 CFR § 383.71(f). Regardless, SOS issued a non-domiciled CDL with an expiration date of October 11, 2026.
7. On April 3, 2025, SOS issued a non-domiciled CDL with an expiration date of June 13, 2026, to a driver with the initials “JY” who is a citizen of Singapore. At the time the transaction occurred, JY presented an unexpired foreign passport and a Form I-20, Certificate of Eligibility for Nonimmigrant Student Status issued by USCIS. SOS did not provide any evidence that JY presented either an approved Form I-94 to accompany the unexpired foreign passport or an unexpired EAD, as required under 49 CFR § 383.71(f). Regardless, SOS issued a non-domiciled CDL with an expiration date of June 13, 2026.

8. On September 22, 2025, SOS issued a non-domiciled CDL with an expiration date of November 30, 2025, to a driver with the initials “WH” whose citizenship is unknown. While SOS records indicate that the driver presented a Form I-94 at the time the transaction occurred, SOS records do not indicate that the driver also presented an unexpired foreign passport to accompany the Form I-94. SOS did not provide any evidence that the driver presented either an unexpired EAD or an unexpired foreign passport accompanied by an approved Form I-94, as required under 49 CFR § 383.71(f). Regardless, SOS issued a non-domiciled CDL with an expiration date of November 30, 2025.
9. On December 20, 2024, SOS issued a non-domiciled CDL with an expiration date of December 17, 2026, to a driver with the initials “LNC” whose citizenship is unknown. While SOS records indicate that the driver presented a Form I-94 at the time the transaction occurred, SOS records do not indicate that the driver also presented an unexpired foreign passport to accompany the Form I-94. SOS did not provide any evidence that the driver presented either an unexpired EAD or an unexpired foreign passport accompanied by an approved Form I-94, as required under 49 CFR § 383.71(f). Regardless, SOS issued a non-domiciled CDL with an expiration date of December 17, 2026.
10. On September 9, 2025, SOS issued a non-domiciled CDL with an expiration date of January 10, 2026, to a driver with the initials “GVP” whose citizenship is unknown. While SOS records indicate that the driver presented a Form I-94 at the time the transaction occurred, SOS records do not indicate that the driver also presented an unexpired foreign passport to accompany the Form I-94. SOS did not provide any evidence that the driver presented either an unexpired EAD or an unexpired foreign passport accompanied by an approved Form I-94, as required under 49 CFR § 383.71(f). Regardless, SOS issued a non-domiciled CDL with an expiration date of January 10, 2026.
11. On April 23, 2025, SOS issued a non-domiciled CDL with an expiration date of November 14, 2025, to a driver with the initials “WS” whose citizenship is unknown. While SOS records indicate that the driver presented a Form I-94 at the time the transaction occurred, SOS records do not indicate that the driver also presented an unexpired foreign passport to accompany the Form I-94. SOS did not provide any evidence that the driver presented either an unexpired EAD or an unexpired foreign passport accompanied by an approved Form I-94, as required under 49 CFR § 383.71(f). Regardless, SOS issued a non-domiciled CDL with an expiration date of November 14, 2025.
12. On May 28, 2025, SOS issued a non-domiciled CDL with an expiration date of December 10, 2025, to a driver with the initials “RVV” whose citizenship is unknown. While SOS records indicate that the driver presented a Form I-94 at the time the transaction occurred, SOS records do not indicate that the driver also presented an unexpired foreign passport to accompany the Form I-94. SOS did not provide any evidence that the driver presented either an unexpired EAD or an unexpired foreign passport accompanied by an approved Form I-94, as required under 49 CFR § 383.71(f).

Regardless, SOS issued a non-domiciled CDL with an expiration date of December 10, 2025.

13. On April 9, 2025, SOS issued a non-domiciled CDL with an expiration date of April 14, 2029, to a driver with the initials “PVD” whose citizenship is unknown. While SOS records indicate that the driver presented a Form I-94 at the time the transaction occurred, SOS records do not indicate that the driver also presented an unexpired foreign passport to accompany the Form I-94. SOS did not provide any evidence that the driver presented either an unexpired EAD or an unexpired foreign passport accompanied by an approved Form I-94, as required under 49 CFR § 383.71(f). Regardless, SOS issued a non-domiciled CDL with an expiration date of April 14, 2029.
14. On March 20, 2025, SOS issued a non-domiciled CDL with an expiration date of December 15, 2025, to a driver with the initials “PVR” whose citizenship is unknown. While SOS records indicate that the driver presented a Form I-94 at the time the transaction occurred, SOS records do not indicate that the driver also presented an unexpired foreign passport to accompany the Form I-94. SOS did not provide any evidence that the driver presented either an unexpired EAD or an unexpired foreign passport accompanied by an approved Form I-94, as required under 49 CFR § 383.71(f). Regardless, SOS issued a non-domiciled CDL with an expiration date of December 15, 2025.
15. On June 27, 2025, SOS issued a non-domiciled CDL with an expiration date of June 26, 2026, to a driver with the initials “IZ” whose citizenship is unknown. While SOS records indicate that the driver presented a Form I-94 at the time the transaction occurred, SOS records do not indicate that the driver also presented an unexpired foreign passport to accompany the Form I-94. SOS did not provide any evidence that the driver presented either an unexpired EAD or an unexpired foreign passport accompanied by an approved Form I-94, as required under 49 CFR § 383.71(f). Regardless, SOS issued a non-domiciled CDL with an expiration date of June 26, 2026.

#### **IV. Required Corrective Action**

As noted above, approximately 10,088 drivers hold an unexpired non-domiciled CLP or CDL issued by SOS. In light of the systemic errors and deficiencies in SOS’s issuance of non-domiciled CLPs and CDLs uncovered by the 2025 APR, FMCSA determines that Illinois must take the following actions:

- Immediately pause the issuance of all new, renewed, transferred, amended, corrected, reprinted, or upgraded non-domiciled CLPs and CDLs until FMCSA provides written confirmation that the State’s corrective action plan has been accepted and implemented;
- As soon as practicable, identify all unexpired non-domiciled CLPs and CDLs that were not issued in compliance with Parts 383 and 384;
- Conduct an internal audit to identify all procedural and programming errors; training and quality assurance problems; insufficient policies and practices; and other issues that have resulted in the issuance of non-domiciled CLPs and CDLs that did not meet the standards

of Parts 383 and 384 (the scope of the audit should not be limited to the issues identified in this letter);

- As part of the internal audit, review all supporting documentation for all new, renewed, transferred, or upgraded non-domiciled CLP and CDL transactions to ensure compliance with Parts 383 and 384;
- Provide FMCSA a copy of the audit findings and the number of unexpired noncompliant non-domiciled CLPs and CDLs;
- Take immediate action to correct the deficiencies identified in the State's internal audit and in this letter;
- Take immediate action to void or rescind all unexpired noncompliant non-domiciled CLPs and CDLs and, after FMCSA provides written confirmation that the State's corrective action plan has been accepted, reissue the licenses in accordance with Parts 383 and 384, in effect at the time of reissuance;
- Resume issuing non-domiciled CLPs and CDLs, including the reissuance of all previously rescinded noncompliant licenses, only after the State has voided or rescinded *all* unexpired noncompliant non-domiciled CLPs and CDLs, and the State ensures that all statutes, regulations, administrative procedures and practices, organizational structures, internal control mechanisms, resources assignments (facilities, equipment, and personnel), and enforcement practices meet each and every standard of Subpart B of Part 384 and 49 U.S.C. § 31311, and FMCSA provides written confirmation that the State's corrective action plan has been accepted and implemented.

## **V. Responding to this Preliminary Determination**

The procedural regulations applicable to this action are found at 49 CFR § 384.307. Within 30 calendar days, the State must respond to this preliminary determination. The State's response must explain what corrective action it either has implemented or intends to implement to correct the deficiencies cited. The required corrective actions are set forth in section IV of this preliminary determination. It is imperative that the corrective action addresses voiding or rescinding all unexpired noncompliant non-domiciled CLPs and CDLs. The State must provide documentation of implemented or planned corrective action, which must be adequate to address the deficiencies cited and be implemented on a schedule mutually agreed upon by FMCSA and the State. Upon request by the State, an informal conference will be provided during this time.

Alternatively, the State's response may explain why FMCSA's preliminary determination is incorrect and may include any additional documentation the State wishes FMCSA to consider.

After reviewing a timely response to the preliminary determination by the State, FMCSA will notify the State of the final determination. In making its final determination, FMCSA will take into consideration the corrective action either implemented or planned to be implemented in accordance with the mutually agreed upon schedule.

## **VI. Potential Penalties for a Final Determination of Substantial Noncompliance**

If FMCSA issues a final determination of substantial noncompliance, the Agency may withhold up to four percent of the National Highway Performance Program and the Surface Transportation Block Grant Program funds beginning in Fiscal Year (FY) 2027 that would otherwise be apportioned to Illinois under 23 U.S.C. §§ 104(b)(1) and (2).<sup>16</sup> Accordingly, upon a final determination of substantial noncompliance, Illinois risks losing up to approximately \$64,300,000 for FY 2027.<sup>17</sup> Further, if the substantial noncompliance persists beyond the first fiscal year, FMCSA may withhold up to eight percent of these funds; therefore, Illinois risks losing up to approximately \$128,600,000 in the second and subsequent FY(s) of noncompliance.<sup>18</sup> Once funds are withheld following a substantial noncompliance determination, they are no longer available for apportionment to Illinois.<sup>19</sup>

In addition, if FMCSA issues a final determination of substantial noncompliance, the Agency may decertify Illinois's CDL program. Decertification of Illinois's CDL program would prohibit the State from issuing, renewing, transferring, or upgrading CLPs and CDLs until such time as FMCSA determines that SOS is in substantial compliance with 49 U.S.C. § 31311 and 49 CFR Part 384, Subpart B.<sup>20</sup>

## **VII. Conclusion**

The 2025 APR uncovered 29 non-domiciled CDL issuances sampled by FMCSA that failed to comply with Parts 383 and 384. This is an unacceptable deviation from FMCSA's regulations when issuing credentials to operate commercial motor vehicles. SOS must take immediate corrective action to audit its non-domiciled CDL program, correct the deficiencies that FMCSA identified above, and any deficiencies identified through the State's internal audit, and void or rescind and reissue all non-domiciled CLPs and CDLs that failed to comply with Federal regulations at the time of issuance, renewal, transfer, or upgrade.

Illinois is an important partner in FMCSA's mission to reduce crashes, injuries and fatalities involving large trucks and buses, and the Agency makes this preliminary determination to help Illinois come into substantial compliance. To continue in that spirit of partnership towards our common safety goals, my staff stands ready to assist SOS in resolving these serious issues.

Please note that this letter addresses noncompliance with SOS's issuance of non-domiciled CDLs only. FMCSA will separately address areas of noncompliance unrelated to non-domiciled CDLs. If you or your staff need additional information or assistance, please contact Philip Thomas, Deputy Associate Administrator for Safety, at [philip.thomas@dot.gov](mailto:philip.thomas@dot.gov).

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<sup>16</sup> 49 U.S.C. § 31314(c)(1); 49 CFR § 384.401(a).

<sup>17</sup> FMCSA estimates this amount based on FY 2026 funding levels.

<sup>18</sup> 49 U.S.C. § 31314(c)(2); 49 CFR § 384.401(b).

<sup>19</sup> 49 U.S.C. § 31314(d); 49 CFR § 384.403.

<sup>20</sup> 49 U.S.C. § 31312(a); 49 CFR § 384.405(a).

Sincerely,

A handwritten signature in blue ink, appearing to read "Derek D. Barrs". The signature is stylized with loops and a horizontal line extending from the start.

Derek D. Barrs  
Administrator